

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JEROME ANDREW DICKERSON,)	
)	
Petitioner,)	
)	
v.)	1:21CV149
)	
EDDIE M. BUFFALOE, JR., ¹ et al.,)	
)	
Respondents.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed and, on August 22, 2022, notice was served pursuant to 28 U.S.C. § 636. Petitioner and Respondents filed Objections to the Magistrate Judge's Recommendation within the time limits prescribed by 28 U.S.C. § 636.

The Court has appropriately reviewed the portions of the Magistrate Judge's Recommendation to which objection is made and has made a de novo determination in accord with the Magistrate Judge's report. The Court therefore adopts the Magistrate Judge's Recommendation.²

¹ Eddie M. Buffalo, Jr. became the Secretary for the North Carolina Department of Public Safety on November 1, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Eddie M. Buffalo, Jr. should be substituted for Erik A. Hooks as the Respondent in this suit.

² Per the Respondents' Objections [Doc. #24], the Recommendation is clarified to replace the references to "Joe Milton" with "Joe Martin".

IT IS THEREFORE ORDERED that Respondents' Motion for Summary Judgment [Doc. #11] is GRANTED, that Petitioner's Cross Motion for Summary Judgment [Doc. #16] is DENIED, that the Petition [Doc. #1] is DENIED, and that this action is DISMISSED. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is not issued.

A judgment dismissing this action will be entered contemporaneously with this Order.

This the 21st day of September, 2022.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge